

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARGIE CHERRY and ESTORIA CHERRY, on  
behalf of themselves and all others similarly situated,

No. C 04-04981 WHA

Plaintiffs,

v.

**ORDER RE DEPOSITION  
OF SALLY SWANSON**

THE CITY COLLEGE OF SAN FRANCISCO  
("City College") LAWRENCE WONG, in his  
official capacity as President of the Board of  
Trustees, MILTON MARKS, III, in his official  
capacity as Vice-President of the Board of Trustees,  
DR. NATALIE BERG, JOHNNIE CARTER, JR.,  
DR. ANITA GRIER, JULIO J. RAMOS, RODEL E.  
RODIS, in their official capacities as members of the  
Board of Trustees, and DR. PHILIP R. RAY, JR., in  
his official capacity as Chancellor,

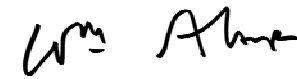
Defendants.

If the allegations in the November 14 letter are eventually proven up, serious sanctions may be required. A formal record must be made, however. Defense counsel must file a formal motion appending the deposition transcript by Friday, November 18, 2005. All oppositions are due on Wednesday, November 23, 2005. No replies will be permitted. The hearing shall be in court, (not by telephone), on **NOVEMBER 28, 2005 AT 9:00 A.M.** All counsel must be present. Ms. Swanson and her counsel must be present. Defense counsel shall immediately serve this order on Ms. Swanson's counsel. The Court lacks sufficient information to relieve (or not relieve) defense counsel of the duty to produce Mr. Lauser or Mr. Goldstein for deposition. The Court cannot take Ms. Darmagnac's word in an unsworn, one-sided letter. If she refuses to

1 produce the witnesses, she does so at her peril. If, on the other hand, her allegations are proven  
2 out, she will be vindicated. If her allegations are not substantially proven out, then she will be  
3 facing sanctions herself. Ms. Darmagnac must decide whether she has provable grounds for  
4 running the risk of violating the order dated November 9, 2005, by not producing those  
5 witnesses. We will find out whether she can prove her allegations on November 28.

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7 **IT IS SO ORDERED.**

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9 Dated: November 15, 2005



10 WILLIAM ALSUP  
11 UNITED STATES DISTRICT JUDGE  
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